

Elizabeth Foyle Widow,
And,
John Foyle Gent. } Appellants.

Robert Hyde Esq;
John Clements Gent. } Respondents:
William Swayne Esq;

The CASE of the Respondents, *Robert Hyde and John Clements.*

June 1636.

THAT the other Respondent, *Swayne*, having occasion to borrow Money, did apply himself to these Respondents to furnish him therewith; and he the said *Swayne* then making it appear to these Respondents by several Decrees, Orders, and other Proceedings signed and inrolled in the High Court of Chancery, That there was the Sum of 4500 *l.* and upwards reported due to him, and that the Mannor and part of the Demesne Lands of *Abbot Anne* in the County of *Southampton* were made liable to his Demands by the said Court of Chancery, and that he was then in the quiet Possession thereof by the Authority of that Court; and that the Premises were a Trust Estate, and had been assigned and disposed of from time to time by the Persons in possession thereof as they thought fit for many Years past. And the said *Swayne* then affirming, That the said Premises were a good Security for any lesser Sum of Money than what was so reported due to him, and Decreed as aforesaid. These Respondents, upon the Credit of the said Decrees and Proceedings, did Advance and Lend unto the said other Respondent *Swayne* the Sum of 1300 *l.* viz. 600 *l.* part thereof, was first lent him by the Respondent *Hyde*, and afterwards 700 *l.* by the Respondent *Clements*; and for securing the Repayment thereof with interest, the said Respondent *Swayne* assigned to them the said Decrees, and all his Right, Title, Interest, and Benefit thereunto, and of, in, and to the said other Orders and Proceedings of the said Court of Chancery.

That after the Death of *Robert Foyle*, (who was Husband of the Appellant *Elizabeth*, and Father of the Appellant *John Foyle*,) these Respondents being informed, That the Appellants had gotten into the Possession of the Premises by some undue Means or Practices, and these Respondents not having then received one Penny of their said Principal Money or Interest, did exhibit their Bill into the said Court of Chancery against the said Appellants, and the said other Respondent *Swayne* to put in Execution the said several former Decrees, and other Proceedings, and to have the Benefit thereof; and that Cause coming to be Heard in the said Court of Chancery on the 4th Day of *May* before the Lord Keeper, a Decree was made on behalf of these Respondents, as to some part only of the said Trust Estate. But the Council for these Respondents not being at that time fully prepar'd, these Respondents on the 8th Day of *November* last did again bring on the said Cause to be Heard in the said Court; and then upon long Debate, and hearing what could be insisted on by the Council on either Side, it was Ordered and Decreed, That these Respondents should stand in the Place of the said *Mr. Swayne*, and should be put into the Possession of the said Trust Estate and Premises, and should have the full Benefit thereof until they should be fully paid and satisfied their said Principal Money with Interest and Costs.

Wherefore, and for that all the Matters decreed were fully in Issue, and the said Decrees were founded upon the Rules of Justice and Equity, and pursuant to two former Decrees, these Respondents humbly hope, The said Petition of Appeal shall be Dismissed with good Costs to these Respondents.